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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,888	03/13/2001	Larkin Hill Lowrey	12170-005001	1339

7590 08/10/2005
Eric L. Prahl
HALE AND DORR, LLP
60 State Street
Boston, MA 02109

EXAMINER

BROADHEAD, BRIAN J

ART UNIT PAPER NUMBER

3661

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

09/804,888

Examiner

Brian J. Broadhead

Applicant(s)

LOWREY ET AL.

Art Unit

3661

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 30 June 2005 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

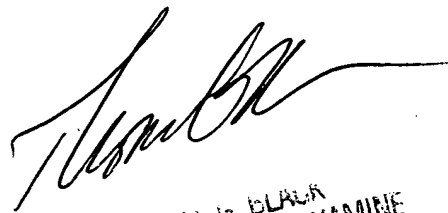
b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available:

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☐ Other:


THOMAS B. BLACK
SUPERVISORY PATENT EXAMINE
GROUP 3660



Response to Arguments

1. An appeal under 37 CFR 1.191 was filed in this application on June 30, 2005. Appellant's brief is due on August 30, 2005 in accordance with 37 CFR 1.192(a).
2. The request for reconsideration has been entered and considered but does not overcome the rejection because the specification and the exhibit provided do not enable a terrestrial GPS. Applicant argues, "a terrestrial GPS system uses cellular base stations and other wireless transmitters, rather than satellites, to determine location." The Qualcomm system is an assisted GPS. This means it still uses GPS satellites, contrary to the statement made in Applicant's arguments. It does use reference terrestrial GPS receivers that forward assistance messages to the assisted GPS receivers, but terrestrial receivers are not a "terrestrial GPS system". The term terrestrial GPS system is not one known to one of ordinary skill in the art. One of ordinary skill in the art would recognize the terms terrestrial GPS sensor or terrestrial GPS receiver but not an entire system.
3. The remaining arguments that Lang would need a second device to communicate to the internet is also not convincing since Applicant's exhibit showing an example of the modem envisioned in the specification also requires a GPS receiver and a modem.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Thursday.

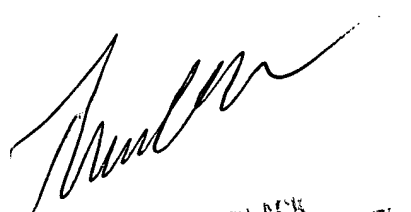
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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